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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**
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10 TONY NGUYEN,

11 Plaintiff,

12 vs.

13 LVNV FUNDING, LLC, et al.,

14 Defendants.

CASE NO. 15cv758-LAB (RBB)


ORDER STAYING ACTION

15 Tony Nguyen sued Defendants under the Fair Debt Collection Practices Act for
16 allegedly filing time-barred state collection actions against him. Last year, the Court granted
17 summary judgment in a similar suit brought by Nguyen's attorney against LVNV Funding.
18 *See Ordinario v. LVNV Funding, LLC*, 2016 WL 852843 (S.D. Cal. Mar. 4, 2016). Nguyen's
19 counsel appealed. The case has been fully-briefed for a year and the Ninth Circuit may hear
20 oral argument on the issues this December.

21 Courts have broad discretion to stay cases pending the resolution of "proceedings
22 which bear upon the case." *Leyva v. Certified Grocers*, 593 F.2d 857, 863 (9th Cir. 1979).
23 *Ordinario* held that plaintiffs who waive statute of limitations defenses in California courts
24 can't file FDCPA actions premised on statute of limitations violations in federal courts. If the
25 Ninth Circuit agrees, then that ruling will govern this case as well. Since this case is fully-
26 briefed, there's no harm in waiting a few more months for the Ninth Circuit to weigh-in.
27 Pending the Ninth Circuit's ruling in *Ordinario v. LVNV Funding*, the case is **STAYED**.

IT IS SO ORDERED.

28 Dated: September 20, 2017



HONORABLE LARRY ALAN BURNS
United States District Judge